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AF/3736

PATENT
Attorney Docket No. BSC-177CN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Rooney et al.
SERIAL NO.: 09/597,179 GROUP NO.: 3736
FILING DATE: June 20, 2000 EXAMINER: P. Wingood
TITLE: HIGH PERFORMANCE COIL WIRE

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Georgeanne Greenlaw

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Assistant Commissioner for Patents
Washington, D.C. 20231

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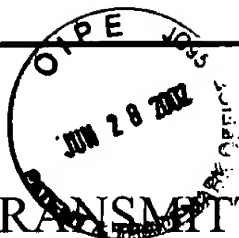
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- Transmittal Form (1 pg.)
- After-Final Response (3 pgs.)
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**TRANSMITTAL
FORM**



Application Serial Number	09/597,179
Filing Date	06/20/00
First Named Inventor	Rooney
Group Art Unit	3736
Examiner Name	P. Wingood
Attorney Docket No.	BSC-177CN
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

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COPY OF PAPERS
ORIGINALLY FILED

PATENT
Atty. Docket No. BSC-177CN

#15 1/2
B. Webb
7/16/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Rooney et al.
SERIAL NUMBER: 09/597,179 GROUP NUMBER: 3736
FILING DATE: June 20, 2000 EXAMINER: P. Wingood
TITLE: High Performance Coil Wire

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Washington, DC 20231

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AFTER-FINAL RESPONSE

Applicants submit this paper in response to the final action mailed from the Patent Office on March 26, 2002.

Applicants' undersigned representative thanks Examiner Wingood for speaking with him on several occasions by telephone in late April 2002 and early May 2002, and he acknowledges Examiner Wingood's expressed intention to withdraw the final action and issue a superseding non-final action soon. (MPEP § 710.06 indicates that "where for any reason it becomes necessary to remail any action, the action should be correspondingly redated, as it is the remailing date that establishes the beginning of the period for reply.")

As discussed with Examiner Wingood, the final action is improper for at least two reasons. First, the finality is improper and should be withdrawn. Second, the substance of the final action is wrong.

Finality Improper

According to MPEP § 706.07(b), it is improper for the Office to issue a final action in response to a Request for Continued Examination (RCE) when the RCE includes a request to

enter and consider a previously filed after-final response that was denied entry because it raised new issues that required further consideration and/or search. Yet, this is exactly what happened in this case.

In response to a final action (August 1, 2001), applicants filed a "Response After Final Under Rule 116" on September 27, 1001, canceling two claims (claims 31 and 47) and amending claims 22, 32, 33, 41, 48, and 49. An Advisory Action (December 1, 2001) indicated that the "Response After Final Under Rule 116" failed to place the application in condition for allowance and indicated that "[t]he proposed amendment(s) will not be entered because they raise new issues that would require further consideration and/or search." On December 21, 2001, applicants filed a Request for Continued Examination (RCE) and requested that the Office enter and consider the previously-filed but unentered "Response After Final Under Rule 116." On March 26, 2002, a final action was mailed, supposedly in response to the RCE filed on December 21, 2001.

The final action is improper and should be cancelled. A new non-final action should be mailed to supersede and replace the final action, and a new period for reply should be set, pursuant to MPEP § 710.06.

Incorrect Substance

Also, the substantive rejections in the final action are incorrect. The rejections do not relate to the pending claims.

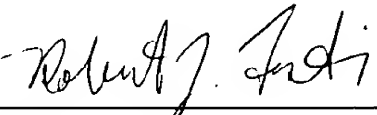
The final action indicates that 34 claims (claims 22-26 and 28-56) are pending, but actually only 32 claims (claims 22-26, 28-30, 32-46, and 48-56) are pending. Specifically, the final action rejects claims 22-26, 28-35, 37-51, and 53-56, and objects to claims 36 and 52. But, two of the claims rejected in the final action (claims 31 and 47) were cancelled by the "Response After Final Under Rule 116" and are therefore not present in this application.

Furthermore, and for example, the final action rejects claim 22, but fails to address at all the recitation in the claim that there is "a tip composed of a polymeric material and extending from a distal end of the coil."

In view of the foregoing, applicants request a new and non-final action with its remailing date as the beginning of the statutory period for reply.

Respectfully submitted,

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